

DIRECTOR OF CENTRAL INTELLIGENCE
Security Committee

SECOM-D-088

7 February 1980

MEMORANDUM FOR THE RECORD

SUBJECT: NSA Title VI Proposed Legislation

1. I am concerned about the ramifications for success of APEX in light of the proposed Title VI paragraph 613(c) wording which gives DIRNSA the duty to prescribe and enforce for the US signals intelligence system security rules, regulations, procedures and standards and requirements with respect to everything - in accord with policy guidance from the Director National Intelligence.

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2. I alerted [] and suggested he bring this to the attention of Mr. Silver. He responded with Comments on the routing sheet of my memorandum saying:

"I have this date discussed with the CIA Gen Con the subject section of the part of charter legislation concerning D/NSA authorities.

"In OGC view that legislation strengthens the DNI position but, unfortunately he doubts passage of the bill in any near term.

"However, he proposes that, if and when the legislation gets close, to clarify in writing with NSA. OGC will handle".

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3. [] supplemented this note by saying he looked further into this issue and has question about the implications and limitations of the terms "with respect to signals intelligence activities" on which the DNI is to provide policy guidance to D/NSA.

4. I also separately wrote to [] STATINTL
Legal Advisor to the APEX Steering Group and expressed my
concern. [] contacted me on 6 February 1980 and
informed that he had initially shared my concern on first
reading of the proposed charter. He discussed the issue with
[] OGC, and with Mr. Silver. Both, in essence,
assuaged his concern. They opened that the PD/NSC-55 tasking
to the DCI would take precedence over legislation. They did
not view the proposed authorities for D/NSA as threatening
the primary and overall authority in the area of APEX
Control System of the DNI. [] repeated the message STATINTL
that no legislation will be passed at this time. He added
that Congress, disturbed at the appearance of procrastination
and internal conflicts within the Executive Branch on the
legislative issue, may elect to write their own. Thus
rendering moot any discussion of the instant material.
[] said that Title I provided DNI with authorities in
any case. I do not accept that view since Title I provides
only that the DNI will provide "minimum" security guides.
[] agreed that such language was weaker even than
appeared in E.O. 12036 which calls for the DCI to "ensure
the establishment by The Intelligence Community of common
security and access standards for managing and handling
foreign intelligence systems information and products."
[] said there would be sufficient time to do this
before the bill was brought to the floor for discussion and
held out full expectations of redress by the Hill bodies
and particularly the appropriate staffs.

5. Further, [] advised that I not make this
an issue at this time before the Security Committee or other
groups. He noted that [] had expressed the observation
that at the last minute people were complaining but were not
helpfully or constructively suggesting replacement language.

6. Rather than be a negative critic, I requested
copy of the Title I proposals and volunteered to draft by
14 February 1980, language that would provide the DNI with
at least the same authorities for security protection of
National Foreign Intelligence including signals intelligence
as would be charged to D/NSA for the protection of US
communications activities. In view of this opportunity to
redraft I agreed to abide by [] advice and cool
it for now. STATINTL

7. Aware of the Office of Security CIA concern about this same issue, I will seek consultation with them on any draft language.



STATINTL

cc: C/OS/PPG
SA/DCI/C
Legal Advisor

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STATINTL SECOM/[] kmk (7 Feb 80)